

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1062 because it conflicts with SEA 263-2004 without properly recognizing the existence of SEA 263-2004, has had Engrossed House Bill 1062 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1062 be corrected as follows:

- 1 Page 7, line 3, delete "IC 33-19-6.5." and insert "**IC 33-37-6.**".
- 2 Page 7, line 8, delete "IC 33-19-6.5." and insert "**IC 33-37-6.**".
- 3 Page 7, between lines 8 and 9, begin a new paragraph and insert:
- 4 "SECTION 13. IC 33-34-1-6, AS ADDED BY SEA 263-
- 5 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2004]: Sec. 6. A division of the small
- 7 claims court must be a full-time division or a part-time division as
- 8 determined by the individual township boards following ~~the a~~
- 9 hearing ~~provided for in~~ **conducted under** section 7 of this chapter.
- 10 SECTION 14. IC 33-34-1-7, AS ADDED BY SEA 263-
- 11 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~In 1975,~~ A hearing ~~was~~
- 13 **must be** conducted to obtain evidence, opinions, advice, and
- 14 suggestions from public officials and the general public ~~on the~~
- 15 ~~question of~~ **concerning:**
- 16 (1) whether a small claims court division should be established
- 17 **or abolished** in the township, ~~in each if the~~ township ~~with~~ **has**
- 18 a population of less than fifteen thousand (15,000) persons;
- 19 (2) whether the **small claims court** division should be full time
- 20 or part time;
- 21 (3) the location of the **small claims court** division courtroom

1 and offices; and

2 (4) other relevant matters.

3 SECTION 15. IC 33-34-1-9, AS ADDED BY SEA 263-
4 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2004]: Sec. 9. Not more than two (2)
6 weeks ~~following~~ **after** a hearing ~~held~~ **is conducted** under section 7
7 of this chapter, the township board shall, after considering the
8 evidence, opinions, advice, and suggestions presented at the
9 hearing, enter an order ~~as to~~ **concerning**:

10 (1) whether a small claims court division shall be established **or**
11 **abolished** in the township if the township has a population of
12 less than fifteen thousand (15,000) persons;

13 (2) whether the **small claims court** division, if any, shall
14 function full time or part time;

15 (3) the location of the **small claims court** division courtroom
16 and offices under IC 33-34-6-1; and

17 (4) other relevant matters.

18 SECTION 16. IC 33-37-6-2, AS ADDED BY SEA 263-
19 2004, SECTION 16, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) A payment made under
21 this chapter does not finally discharge the person's liability, and the
22 person has not paid the liability until the clerk receives payment or
23 credit from the institution responsible for making the payment or
24 credit.

25 (b) The clerk may contract with a bank or credit card vendor for
26 acceptance of bank or credit cards. However, if there is a vendor
27 transaction charge or discount fee, whether billed to the clerk or
28 charged directly to the clerk's account, the clerk ~~may or shall~~ **shall**
29 collect a credit card service fee **equal to the vendor transaction**
30 **charge or discount fee** from the person using the bank or credit
31 card. The fee collected under this section is a permitted additional
32 charge to the money the clerk is required to collect under section
33 1(1) of this chapter.

34 SECTION 17. IC 33-38-14-8, AS ADDED BY SEA 263-

2004, SECTION 17, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2004]: Sec. 8. **Subject to section 9 of
 this chapter**, the commission is the commission on judicial
 qualifications for judges of ~~superior and probate trial~~ courts. ~~in the
 counties described in section 9 of this chapter~~. The members of the
 commission on judicial qualifications for the court of appeals and the
 supreme court are the members of the commission on judicial
 qualifications for judges of the ~~superior and probate trial~~ courts.

SECTION 18. IC 33-38-14-9, AS ADDED BY SEA 263-
 2004, SECTION 17, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) The commission shall
 exercise disciplinary jurisdiction over judges **of trial courts**.

(b) In a county in which a commission on judicial qualifications
 operated by virtue of law before July 26, 1973, the county
 commission on judicial qualifications ceases to exercise disciplinary
 jurisdiction over the county courts and the commission shall exercise
 disciplinary jurisdiction. However, if the law creating a county
 commission on judicial qualifications in a county before July 26,
 1973, precluded judges subject to its disciplinary jurisdiction from
 participating in political activities because the judges are selected by
 a merit system, the judges are precluded from participating in
 political activities.

(c) The operation and function of a judicial nominating
 commission operating in a county by virtue of law before July 26,
 1973, is not affected by this chapter.

SECTION 19. IC 33-39-6-1, AS ADDED BY SEA 263-
 2004, SECTION 18, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Prosecuting attorneys
 and deputy prosecuting attorneys are entitled to receive the
 compensation provided in this chapter. The minimum compensation
 of the prosecuting attorneys shall be paid in the manner prescribed
 in section 5 of this chapter. The compensation of the deputy
 prosecuting attorneys shall be paid in the manner prescribed in
 section 2 of this chapter.

(b) Upon the allowance of an itemized and verified claim by the board of county commissioners, the auditor of the county shall issue a warrant to a prosecuting attorney or deputy prosecuting attorney who filed the claim to pay any part of the compensation of a prosecuting attorney or a deputy prosecuting attorney that exceeds the amount that the state is to pay.

(c) A deputy prosecuting attorney who knowingly divides compensation with the prosecuting attorney or any other officer or person in connection with employment commits a Class B misdemeanor.

(d) A prosecuting attorney or any other officer or person who **knowingly** accepts any division of compensation described in subsection (c) commits a Class B misdemeanor.

(e) The attorney general shall call at least one (1) and not more than two (2) conferences of the prosecuting attorneys, each year, to consider, discuss, and develop coordinated plans for the enforcement of the laws of Indiana. The date or dates upon which the conferences are held shall be fixed by the attorney general. The expenses necessarily incurred by a prosecuting attorney in attending a conference, including the actual expense of transportation to and from the place where the conference is held, together with meals and lodging, shall be paid from the general fund of the county upon the presentation of an itemized and verified claim, filed as required by law, and by warrant issued by the county auditor. If there is more than one (1) county in any judicial circuit, the expenses of the prosecuting attorneys incurred by virtue of this subsection shall be paid from the general fund of the respective counties constituting the circuit in the same proportion that the classification factor of each county bears to the classification factor of the judicial circuit as determined according to law by the state board of accounts.

SECTION 20. IC 33-40-8-5, AS ADDED BY SEA 263-2004, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. **(a) Subject to subsection (b), if an indigent person: ~~desiring~~**

(1) **desires** to appeal to the supreme court or the court of appeals the decision of a ~~circuit court or criminal trial~~ court in a criminal ~~cases, case~~; and

(2) **does** not ~~having~~ **have** sufficient means to procure the ~~longhand typed or printed~~ manuscript or transcript of the evidence taken ~~in shorthand~~; by the ~~order or permission of any~~ court **reporter**;

the court shall direct the ~~shorthand court~~ reporter to transcribe the ~~shorthand~~ notes of evidence into ~~longhand~~; **a typed or printed manuscript or transcript** as soon as practicable and deliver the ~~longhand~~ manuscript or transcript to the indigent person. ~~However~~;

(b) Notwithstanding subsection (a):

(1) the court must be satisfied that the indigent person lacks sufficient means to pay the **court** reporter for making the ~~longhand~~ manuscript or transcript of evidence; and

(2) the **court** reporter may charge the compensation allowed by law in cases for making and furnishing a ~~longhand~~ manuscript ~~which service of or transcript~~. The reporter shall be paid by the court from the proper county treasury.

SECTION 21. IC 33-41-1-1, AS ADDED BY SEA 263-2004, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) To facilitate and expedite the trial of causes, the judge of each circuit, ~~criminal~~ superior, probate, and juvenile court of each county shall appoint an official reporter.

(b) The official reporter shall, when required by the recorder's appointing judge, do the following:

(1) Be promptly present in the appointing judge's court.

(2) Record the oral evidence given in all causes **by any approved method**, including both questions and answers.

(3) Note all rulings of the judge concerning the admission and rejection of evidence and the objections and exceptions to the admission and rejection of evidence.

(4) Write out the instructions of the court in jury trials.

(c) In counties in which the circuit or probate court sits as a juvenile court, the official reporter of the circuit court or probate court, as the case may be:

(1) shall report the proceedings of the juvenile court as part of the reporter's duties as reporter of the circuit or probate court; and

(2) except as provided in subsection (d), may not receive additional compensation for the reporter's services for reporting the proceedings of the juvenile court.

(d) In counties in which a circuit court has juvenile jurisdiction and where there is a juvenile referee and the circuit judge is the judge of the juvenile court, the salary of the juvenile court reporter is one hundred twenty-five dollars (\$125) per month in addition to any compensation the reporter receives as reporter of the circuit court.

(e) The official reporters of juvenile courts shall:

(1) be paid the same amount for their services and in the same manner;

(2) have the same duties; and

(3) be subject to the same restrictions;

as is provided for by law for the official reporters of the other courts. However, in a county having a population of more than two hundred fifty thousand (250,000), the judge of the juvenile court may appoint court reporters as necessary for compliance with the law in regard to the reporting of cases and facilitating and expediting the trial of causes, each of whom is entitled to receive a salary of at least three hundred dollars (\$300) per month.

SECTION 22. IC 33-41-1-5, AS ADDED BY SEA 263-2004, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If requested to do so, an official reporter shall furnish to either party in a cause a transcript of all or any part of the proceedings required by the reporter to be taken or noted, including all documentary evidence.

(b) An official reporter shall furnish ~~the~~ **a type written or printed**

1 transcript described in subsection (a) ~~written in a plain legible~~
2 ~~longhand or typewriting~~ as soon after being requested to do so as
3 practicable.

4 (c) The reporter shall certify that the transcript contains all the
5 evidence given in the cause.

6 (d) The reporter may require payment for a transcript, or that the
7 payment be satisfactorily secured, before the reporter proceeds to
8 do the required work."

9 Renumber all SECTIONS consecutively.

(Reference is to EHB 1062 as printed February 20, 2004.)

Representative Pelath, Chairperson

Representative Whetstone, R.M.M.

Representative Foley, Author